

In re Application of: Ilan SHALEV  
Serial No.: 10/509,348  
Filed: March 24, 2005  
Office Action Mailing Date: September 11, 2007

Examiner: Bhisma Mehta  
Group Art Unit: 3767  
Attorney Docket: 35292

**Amendments to the Claims:**

1. (Currently amended) Apparatus adapted to be placed through a body tissue and implanted in a vein for the purpose of intake of fluid through an aperture thereof, comprising:

a hollow tube defining at least one aperture configured for the intake of fluid when implanted in a vein; and

at least one extension operative to be at at least two positions with respect to said at least one aperture, a first position near said at least one aperture and a second position in which at least part of said at least one extension extends away from said at least one aperture, wherein if said at least one aperture is blocked by an impediment, relative movement of said at least one extension with respect to said at least one aperture, from said first position to said second position, operates to dislodge the impediment from said at least one aperture;

~~wherein the hollow tube is characterized by a length of not more than 10 cm.~~

wherein said at least one aperture configured for the intake of fluid is located on said hollow tube.

2. (Currently amended) Apparatus according to claim 1 wherein said at least one aperture comprises a front inlet at a front end of said hollow tube.

3. (Currently amended) Apparatus according to claim 1, wherein said at least one aperture comprises one or more side openings in a side of said hollow tube.

4. (Currently amended) Apparatus according to claim 1 wherein said at least one aperture comprises at least one front opening at a front end of said hollow tube and at least one side opening in a side of said hollow tube.

5. (Currently amended) Apparatus according to claim 1 wherein said at least one extension is configured so that moving said at least one extension from said first position to said second position operates to displace ~~an~~ a said impediment which comprises an aggregate of solid material.

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6. (Currently amended) Apparatus according to claim 1 wherein said at least one extension is configured so that moving said at least one extension from said first position to said second position operates to displace ~~an~~ a said impediment which is down-flow from said hollow tube.

7. (Currently amended) Apparatus according to claim 1 wherein said at least one extension is configured so that moving said at least one extension from said first position to said second position operates to displace ~~an~~ a said impediment which is at least partly within said hollow tube.

8. (Currently amended) Apparatus according to claim 1 wherein said at least one extension is configured so that moving said at least one extension from said first position to said second position operates to displace ~~an~~ a said impediment comprising a venous valve.

9. (Currently amended) Apparatus according to claim 1 wherein said at least one extension is configured so that moving said at least one extension from said first position to said second position operates to displace ~~a said~~ a impediment comprising body tissue.

10. (Currently amended) Apparatus according to claim 9 wherein a said impediment comprises inflamed body tissue.

11. (Previously presented) Apparatus of claim 1 wherein said hollow tube is adapted to be implanted in a vein and withstand unimpeded intake of fluid for a period of one or more weeks.

12. (Previously presented) Apparatus of claim 1 wherein said hollow tube is adapted to be implanted in a vein and withstand unimpeded intake of fluid for a period of one or more months.

13. (Previously Presented) Apparatus according to claim 1, comprising an activating mechanism.

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14. (Previously presented) Apparatus according to claim 13 wherein said activating mechanism causes said at least one extension to extend from said first position to said second position.

15. (Previously presented) Apparatus according to claim 13 wherein said activating mechanism causes said at least one extension to un-extend from said second position to said first position.

16. (Withdrawn and Currently amended) Apparatus according to claim 13 wherein said activating mechanism comprises a locking mechanism that, when unlocked, allows said at least one extensions to extend from said first position to said second position.

17. (Withdrawn) Apparatus according to claim 13 wherein at least a portion of said activating mechanism is external to said body tissue.

18. (Withdrawn and Currently amended) Apparatus according to claim 13 wherein said activating mechanism comprises a portion of said one or more extensions configured to be is-external to-said body tissue in which the apparatus is placed through.

19. (Currently amended) Apparatus according to claim 13 wherein ~~the-said~~ activating mechanism is configured for manually-activated activation.

20. (Currently amended) Apparatus according to claim 13 wherein ~~the-said~~ activating mechanism is ~~automatically-activated~~ configured for automatic activation.

21. (Currently amended) Apparatus according to claim 1 adapted so that said relative movement of said at least one extension occurs prior to an intake of fluid through said at least one aperture.

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22. (Currently amended) Apparatus according to claim 1 adapted so that said relative movement of said at least one extension occurs during an intake of fluid through said at least one aperture.

23. (Currently amended) Apparatus according to claim 1 adapted so that said relative movement of said at least one extension occurs following an intake of fluid through said at least one aperture.

24. (Currently amended) Apparatus according to claim 1 adapted so that at least some of said relative movement of said at least one extension takes place irrespective of intake of fluid through said at least one aperture.

25. (Withdrawn and Currently amended) Apparatus according to claim 1 wherein at least part of said ~~one or more~~ at least one extensions, overlaps a front end of said hollow tube when said at least one extensions are in a first position.

26. (Previously presented) Apparatus according to claim 1 wherein said at least one aperture is covered by said at least one extension in said first position.

27. (Currently amended) Apparatus according to claim 1 wherein said at least one aperture is arranged to be covered when said at least one extension is in said first position.

28. (Currently amended) Apparatus according to claim 1 wherein one or more of said hollow tube and said at least one extension comprise a material that prevents or retards aggregation of solids from a bodily fluid.

29. (Previously presented) Apparatus according to claim 1 wherein one or more of said hollow tube and said at least one extension comprise a material that prevents or retards clot formation.

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30. (Previously presented) Apparatus according to claim 1 wherein one or more of said hollow tube and said at least one extension comprise a material that prevents or retards body tissue inflammatory response.

31. (Previously presented) Apparatus according to claim 1 wherein one or more of said hollow tube and said at least one extension comprise a material that prevents or retards bacteria colonization.

32. (Currently amended) Apparatus according to claim 1 wherein ~~the~~ said at least one extension comprises at least one expandable element.

33. (Previously presented) Apparatus according to claim 32 wherein said at least one expandable element expands when filled with expansion fluid.

34. (Currently amended) Apparatus according to claim 33, comprising an activating mechanism including a reservoir containing expansion fluid ~~connected to~~ functionally associated with said at least one expandable element.

35. (Previously presented) Apparatus according to claim 33 wherein said expansion fluid comprises a material that affects the formation of impediments and wherein said at least one expandable element is at least partly permeable to said material.

36. (Withdrawn and Currently amended) Apparatus according to claim 1 wherein said at least one ~~the one or more~~ extensions comprise an extension with a deformable area.

37. (Withdrawn and Currently amended) Apparatus according to claim 36, wherein when said deformable area deforms, said extension with said deformable area extends from said first position to said second position.

38. (Withdrawn and Currently amended) Apparatus according to claim 36 wherein when said extension with said deformable area un-extends from said second position to said first position, said deformable area returns to ~~its~~ a pre-deformed state.

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39. (Currently amended) Apparatus according to claim 1 wherein said ~~the~~ at least one extension comprises resilient extensions.

40. (Withdrawn and Currently amended) Apparatus according to claim 1, comprising a sheath for selectively controlling a said position to which said at least one extensions extend.

41. (Withdrawn and Currently amended) Apparatus according to claim 40, wherein in said first position said at least one extension are contained within said sheath and in said second position said at least one extension exits said sheath to deflect radially ~~when said at least one extension exits distally from said sheath they deflect radially.~~

42. (Withdrawn and Currently amended) Apparatus according to claim 1, comprising an extension tube of which said at least one extensions forms a distal section, wherein axial distal motion of said extension tube moves said at least one extension to said second position where ~~causes said at least one extensions to extend.~~

43. (Withdrawn) Apparatus according to claim 42, wherein a distal section of said extension tube is axially fixed to a front of said hollow tube and wherein said extension tube is slotted.

44. (Previously presented) Apparatus according to claim 1, wherein said at least one extension is adapted for an arm vein.

45. (Previously presented) Apparatus according to claim 1, wherein said at least one extension is adapted for a non-vein vessel.

46. (Currently amended) Apparatus according to claim 1, wherein said at least two positions are axially displaced.

47. (Currently amended) Apparatus according to claim 1, wherein said at least two positions are radially displaced.

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48. (Withdrawn and Currently amended) A method of taking fluid from a vein, the method comprising of:

implanting an apparatus in a vein, the apparatus comprising of:

a hollow tube defining at least one aperture; and

at least one extension operative to be at at least two positions with respect to said at least one aperture, a first position near said at least one aperture and a second position in which at least part of said at least one extension extends away from said at least one aperture, wherein if said at least one aperture is blocked by an impediment, relative movement of said at least one extension with respect to said at least one aperture, from said first position to said second position, operates to dislodge the impediment from said at least one aperture;

taking fluid from the vein through said at least one aperture; and

~~displacing~~ dislodging an impediment from said at least one aperture by extending said at least one extension

wherein said at least one aperture is located on the said hollow tube, wherein the hollow tube is characterized by a length of not more than 10 cm.

49. (Currently amended) Apparatus according to claim 1, wherein said hollow tube defining said at least one aperture has a length of not more than 10 cm.

~~adapted to be placed through a body tissue and implanted in a vein for the purpose of intake of fluid through an aperture thereof, comprising:~~

~~—— a hollow tube defining at least one aperture; and~~

~~—— at least one extension operative to be at at least two positions with respect to said aperture, a first position near said aperture and a second position in which at least part of said extension extends away from said aperture, wherein if said aperture is blocked by an impediment, relative movement of said at least one extension with respect to said aperture, from said first position to said second position, operates to dislodge the impediment from said aperture;~~

~~wherein the at least one aperture is located on the hollow tube.~~

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50. (Currently amended) Apparatus ~~adapted to be placed through a body tissue and implanted in a vein for the purpose of intake of fluid through an aperture thereof,~~ comprising: according to claim 1,

~~—— a hollow tube defining at least one aperture; and~~

~~—— at least one extension operative to be at at least two positions with respect to said aperture, a first position near said aperture and a second position in which at least part of said extension extends away from said aperture, wherein if said aperture is blocked by an impediment, relative movement of said at least one extension with respect to said aperture, from said first position to said second position, operates to dislodge the impediment from said aperture;~~

wherein ~~the~~ said at least one extensions do not provide a channel of fluid communication through which a fluid sample can be conducted to outside of the body tissue.